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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,786	03/15/2001	Fumio Nishimura	04329.2538	9955
22852	7590	02/11/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	12

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,786

Applicant(s)

NISHIMURA ET AL.

Examiner

DARYL C POPE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,9,10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 2,3,7,8,11,12,17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

ART REJECTION:

Claim Rejections - 35 USC § 102

2. Claims 1,4-6, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Henderson et al for the reasons of record as discussed in the previous office action.

Claim Rejections - 35 USC § 103

3. Claims 9-10, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henderson et al for the reasons of record as discussed in the previous office action.

Allowable Subject Matter

4. Claims 2-3,7-8,11-12, and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REMARKS:

Response to Arguments

5. Applicant's arguments filed 8/18/03 have been fully considered but they are not persuasive.
6. APPLICANT'S ARGUMENTS:

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1) *"First, Henderson discloses at col. 7, lines 45-66, that control system 200 monitors the speed of rotation of a number of fans when the fans are operating a first speed.....Instead, Henderson discloses increasing voltages to a plurality of fans that were already in operation."*

2) *"Second, Henderson discloses at col. 8, lines 11-39, that if the speed of fan 202 is not above a desired limit, then the fan is not operating properly.....Applicants therefore respectfully request that the Examiner withdraw the rejection for at least these reasons and allow claim 1."*

3) *"Additionally, the Examiner has used the same rationale to reject claims 6 and 16.....Applicants respectfully request that the Examiner allow these claims for at least the reasons discussed above in relation to allowable claim 1."*

4) *"Applicants' claim 9 recites a combination including, among other things.....The Examiner should withdraw the rejection of claims 9 and 10 for at least these reasons."*

5) *"Regarding claims 13-15, the Examiner alleges the recited subject matter was met as discussed regarding claim 6.....Applicants respectfully request that the Examiner withdraw the rejection of claims 13-15 and allow these claims."*

7. EXAMINER'S RESPONSE:

1,2,3,5) Applicant asserts that Henderson does not meet all of the claimed limitations of claim 1 because Henderson does not teach turning off the fan drive voltage when replacement is instructed. The examiner deems that it is inherent that the fan drive voltage would have been turned off when replacement is instructed because Henderson teaches that when the bit in the

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fan_fault register is set to one, switch(228) is closed thereby shorting out the fixed zener voltage divider(226) causing the remaining fans(202) to operate at the higher speed(see: column 8, lines 23-39). This shorting of the voltage divider causes all of the voltage from the malfunctioning fan to be diverted to the remaining fans(202), causing them to operate at higher speeds, effectively turning off the voltage to the malfunctioning fan.

In view of this, it is shown that Henderson meets the limitations of claims 1,4-6, and 16, and therefore applicant's arguments are not deemed persuasive.

4) Applicant is asserting that the examiner's reasoning concerning claims 9 and 10 is not acceptable because the examiner has shown no proof of the use of connectable/disconnectable cables for providing voltage to fan modules is well known in the art. Therefore, the examiner has provided proof of the use of connectable/disconnectable cables for providing power to fan modules in the cited reference to Lin, wherein Lin teaches use of these devices(see: fan modules and cables(8), figure 3). In view of this, claims 9 and 10 are rejected for the reasons of record as discussed in the previous office action, and applicant's arguments are not deemed persuasive.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art, Lin(6,316,718) discloses a power supply for detachable fan device, wherein a fan module has detachable cables which supply voltage to the fan modules.

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9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314(for formal communications intended for entry)

and as well:

(703) 872-9314(for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daryl C. Pope whose telephone number is (703) 305-4838. The examiner can normally be reached on M-Th from 7:30 to 6:00 since the examiner works on a compressed work schedule in which every Friday is the examiner's day off.

All interviews requested, whether personal or telephonic, are to be scheduled for times between 11:00 a.m. and 5:00 p.m. between Tuesdays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (703) 308-6730. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Daryl C. Pope


DARYL POPE
PRIMARY EXAMINER

Feb. 6, 2004